IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14354 of 2004

Between:

Ch.Obula Naik, s/o P.Obula Naik,
Kosigi Village & Mandal, Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Kosigi Village & Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in assigning the petitioner's land in Sy.No.268 to an extent of Ac.1.03 cents situated at Kosigi Village & Mandal, Kurnool District, to the public under the Social Welfare Scheme, without following due procedure under the law as illegal, arbitrary and violative of Art.14, 21 and 300-A of the Constitution of India, and consequently direct the respondents to pay the compensation to the petitioner by passing an Award under the Land Acquisition Act.

Counsel for the Petitioner:MR.B.VIJAYA BHASKER

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Learned counsel for the petitioner made available a copy of ownership certificate, issued by the Mandal Revenue Officer –third respondent herein, in Form-II under Rule 5 of the A.P. Occupants of Homesteads (Conferment of Ownership) Rules, 1975 (for short 'the Rules').

Under those circumstances, the remedy open for the petitioner is to raise the dispute before the appropriate authority by filing an appeal or revision, as the case may be, under Rule 7 or 8 of the Rules.

The writ petition is accordingly disposed of granting liberty to the petitioner to raise the dispute before the appropriate authority, as indicated above. No costs.

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A. GOPAL REDDY. J.

8th November, 2004

tsr.

To

1 The District Collector, Kurnool.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Kosigi Village & Mandal, Kurnool District.

4. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.

5. Two C.D. copies.